

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Additional Petitioner: New Hampshire Electric Cooperative

Petition to Amend Franchise Border in the Town of Lisbon, New
Hampshire

Order NISI Granting Petition

O R D E R N O. 23,262

July 26, 1999

The Petitioner, Public Service Company of New Hampshire (PSNH), and the New Hampshire Electric Cooperative, (NHEC), filed a joint petition under NH RSA 374:22 and 374:26 with the New Hampshire Public Utilities Commission (Commission) on July 15, 1999, to amend their franchise area border in the Town of Lisbon, New Hampshire to accommodate the needs of Profile Broadcasting, Inc. (Profile).

In 1991, Profile approached PSNH to bring service to its planned broadcasting tower at the top of a hill in the Town of Lisbon. At that time, PSNH's closest distribution point was more than one mile from the proposed tower location. In order to provide service, PSNH would have needed to place poles and wires approximately 6,900 feet up Gulf Road, a Class V or VI road, then place distribution equipment on private property up steep terrain 1,200 feet to the summit of Breezy Hill. PSNH had no obligation under its tariff to serve the load as the tower's proposed location was more than one mile away from PSNH's nearest

distribution point. The cost to Profile for obtaining service from PSNH by this route was prohibitive.

Profile needed an access road to the transmitter in any event. Profile constructed the road, and at the same time erected the poles and wires from the transmitter down the access road 3,500 feet to a point across the PSNH/NHEC franchise border inside NHEC's service territory. NHEC placed a meter at that point and has served the load. This arrangement was carried out with PSNH's consent and the knowledge of the Commission Staff at that time as indicated by a June 24, 1991 letter attached to the petition.

Profile desires to sell property on one or both sides of the access road. In order to better accommodate these sales of real property, a permanent supplier of distribution service is desirable. The broadcasting tower is located on land owned by other persons, Mr. and Mrs. Stephen Smith of Lisbon. This land owner would also like to construct a home at the top of Breezy Hill. A permanent supplier of distribution service to this area would be equally desirable for this land owner's plans.

The NHEC agrees to take over the private line and maintain and serve that line. The NHEC has inspected the line and it has been built to specifications acceptable to NHEC and in accordance with the National Electric Safety Code. PSNH's distribution lines are not significantly closer than they were in 1991; therefore, PSNH is no better able today to supply this line

and agrees with this franchise boundary adjustment. Consent from Profile and Mr. and Mrs. Smith have been obtained as evidenced by their letters attached to the petition.

The distribution equipment will be obtained for low cost and in acceptable condition. The prospect of new customers connected to the line will help defray the future cost of operation and maintenance.

A map of the proposed franchise border adjustment is attached to the petition.

Although PSNH agrees with this proposal as the most efficient way of dealing with this particular situation, PSNH is not in favor of private lines being built for the sole purpose of obtaining service from another utility.

Based on these facts, NHEC appears to be the most logical and rational choice to serve the access road to the summit of the hill and to serve the new load along that road.

Accordingly, the Commission finds that allowing PSNH and NHEC to amend their distribution franchise area border in the Town of Lisbon, New Hampshire as requested is in the public good.

Based upon the foregoing, it is hereby

ORDERED NISI, that the Joint Petition of PSNH and NHEC to amend their distribution franchise area border in the Town of Lisbon, New Hampshire is granted; and it is

FURTHER ORDERED, that the distribution franchise of PSNH along the access road to the summit of Breezy Hill be transferred to NHEC; and it is

FURTHER ORDERED, that all construction and future reconstruction shall meet the requirements of the National Electrical Safety Code and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that the joint petitioners file revised Commission Service Territory Maps for their respective territory within 60 days from the effective date of this order, reflecting the above changes in service area brought about by this revision in distribution franchise boundaries and specifying thereon that the maps are effective on the date hereof by authority of the above Commission Order No.; and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than August 2, 1999 and to be documented by affidavit filed with this office on or before August 9, 1999; and it is

FURTHER ORDERED, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than August 11, 1999; and

it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than August 23, 1999; and it is

FURTHER ORDERED, that this Order Nisi shall be effective September 2, 1999, unless the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twenty-sixth day of July, 1999.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Claire D. DiCicco
Assistant Secretary